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9 Attorneys for defendants VENETIAN CASINO
10 RESORT, LLC; LAS VEGAS SANDS, LLC, and LAS
VEGAS SANDS CORP.

11
12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 JONATHAN BROWNING, INC.,
15
16 Plaintiff,

17 v.

18 VENETIAN CASINO RESORT, LLC, LAS VEGAS
SANDS, LLC, LAS VEGAS SANDS CORP., and
19 DOES 1 through 100, inclusive,
20 Defendant.

21 VENETIAN CASINO RESORT, LLC, LAS VEGAS
SANDS, LLC, LAS VEGAS SANDS CORP.,
22
23 Third-Party Plaintiffs,

24 v.

25 KIRK NIX ASSOCIATES INC. D/B/A KNA
INTERIOR DESIGNS, a California
corporation,

26 Third-Party Defendant.
27
28

CASE NO.: C 07-3983 JSW

**DECLARATION OF FRANKLIN H.
LEVY IN SUPPORT OF THIRD-
PARTY PLAINTIFFS' OPPOSITION
TO MOTION TO DISMISS OR STAY
AND COMPEL ARBITRATION**

Date: June 13, 2008
Time: 9:00 am

Complaint Filed: August 2, 2007
Judge: Jeffrey S. White
Courtroom: 2, 17th floor

1 I, Franklin H. Levy, declare:

2 1. I am Special Counsel to Venetian Casino Resort, LLC, Las Vegas Sands Corp. and
3 Las Vegas Sands LLC. I have personal knowledge of the matters stated herein, and if called as a
4 witness, I could and would testify competently to them.

5 2. I submit this declaration in support of Third-Party Plaintiffs' Opposition to Motion To
6 Dismiss or Stay and Compel Arbitration.

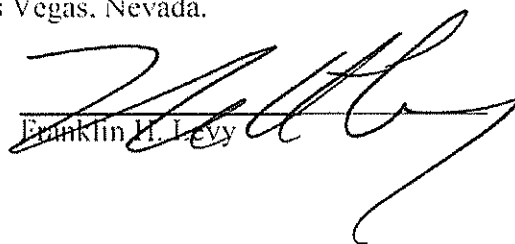
7 3. I am familiar with the Palazzo Tower project, which consists of the new construction
8 of the Palazzo casino and resort. The Palazzo is adjacent to the Venetian Casino Resort in Las
9 Vegas, Nevada.

10 4. Kirk Nix Associates, Inc. ("KNA") was retained by KSR, Inc., the architect for the
11 Palazzo Tower project, to design the guest rooms at the Palazzo, including any light fixtures
12 installed within the guest rooms. I am informed and believe that there is an agreement between
13 KSR, Inc. and KNA relating the Palazzo Tower project.

14 5. Venetian Casino Resort, LLC does not have an agreement with KNA for the work
15 performed on the Palazzo Tower.

16 I declare under penalty of perjury under the laws of the United States of America that the
17 foregoing is true and correct.

18 Executed this 16th day of May, 2008 at Las Vegas, Nevada.

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